



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

March 8, 2017

Jeffrey McHugh
Electric Superintendent
Painesville Municipal Electric
Plant
325 Richmond Street
Painesville, OH 44077

**RE: PAINESVILLE MUNICIPAL ELECTRIC PLANT
NOTICE OF VIOLATION (NOV)
AIR PERMIT
LAKE COUNTY
DAPC FACILITY ID: 0243110008**

CERTIFIED MAIL

91 7199 9991 7037 9882 4543

**Division of Air Pollution Control
Subject: Notice of Violation**

Dear Mr. McHugh:

During review of Painesville Municipal Electric Plant's quarterly deviation report for the 4th quarter of 2016, Ohio EPA - Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), found that emissions unit B001 (250 MMBtu/hour Pulverized Coal-Fired Boiler #5) experienced opacity exceedances above 20% opacity that exceeded six (6) consecutive minutes during multiple one (1) hour periods, and an opacity exceedance over 60% opacity during a one (1) hour period. These incidents occurred intermittently beginning December 6, 2016 through December 8, 2016. The Painesville Municipal Electric Plant attributed these reported exceedances to coal catching fire within the coal storage bunker.

A conference call was held between NEDO, DAPC, and Messrs. Paul Morton and Ken Newton on February 15, 2017, to discuss the deviation report and to obtain additional information related to the reported opacity exceedances. Though opacity may exceed 20% as a six-minute average in one hour, opacity may not exceed 20% for more than six consecutive minutes in any sixty minutes. Through discussion, it was confirmed that the reported opacity exceedances of the hourly opacity limitations violated the requirements of Ohio Administrative Code (OAC) rule 3745-17-07(A) and the requirements of Title V operating permit P0085018 (effective March 9, 2007).

Findings

Ohio EPA has determined that Painesville Municipal Electric Plant did not comply with the opacity limitation requirements of OAC rule 3745-17-07(A) as identified within Title V operating permit P0085018 (effective March 9, 2007). In order to bring your facility into compliance, we recommend promptly addressing these violations within the timeframe outlined in this letter.

1. Ohio Revised Code (ORC) 3704.05(J)(2): *"No person shall...violate any applicable requirement of a Title V permit or any permit condition, except for an emergency as defined in 40 C.F.R. 70.6(g), or filing requirement of the Title V permit program, any duty to allow or carry out inspection, entry, or monitoring activities, or any rule adopted or order issued by the director pursuant to the Title V permit program."*
2. OAC rule 3745-17-07(A)(1)(b): *"Except as otherwise specified in paragraphs (A)(2) and (A)(3) of this rule, visible particulate emissions from any stack may exceed twenty per cent opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed sixty per cent opacity, as a six-minute average, at any time."*

(a) As required by Title V operating permit P0085018 (effective March 9, 2007) and in accordance with OAC rule 3745-17-07(A), visible particulate emissions from any stack shall not exceed 20% opacity as a six-minute average, except as provided by the rule. As specified by OAC rule 3745-17-07(A)(1)(b), except as otherwise specified in paragraphs (A)(2) and (A)(3) of this rule, visible particulate emissions from any stack may exceed 20% opacity, as a six-minute average, for not more than six consecutive minutes in any sixty minutes, but shall not exceed 60% opacity, as a six-minute average, at any time. The Painesville Municipal Electric Plant exceeded allowable opacity limitations on the following dates:

- Opacity exceeded 60% as a six-minute average from 10:13 to 10:18 on December 6, 2016 (actual six-minute average was reported as: 63.0%);
- Opacity exceeded 20% for eighteen (18) consecutive minutes from 19:07 through 19:24 on December 6, 2016 (actual six-minute averages were reported as: 37.7%, 44.2%, and 23.8%, respectively);
- Opacity exceeded 20% for eighteen (18) consecutive minutes from 20:07 through 20:24 on December 6, 2016 (actual six-minute averages were reported as: 25.9%, 22.9%, and 27.1%, respectively);
- Opacity exceeded 20% for twelve (12) consecutive minutes from 21:19 through 21:30 on December 7, 2016 (actual six-minute averages were reported as 34.0% and 23.9%, respectively); and
- Opacity exceeded 20% for twenty-four (24) consecutive minutes from 14:07 through 14:30 on December 8, 2016 (actual six-minute averages were reported as: 27.1%, 24.8%, 55.8, and 22.6%, respectively).

(b) *Requested action:*

Within fourteen (14) days of receipt of this letter, the Painesville Municipal Electric Plant shall submit a compliance plan to Ohio EPA which will address how the facility will address the emissions exceedances identified above.

Conclusion

The Ohio EPA requests that the Painesville Municipal Electric Plant promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. **Within fourteen (14) days of receipt of this letter**, please provide, to Ohio EPA, the documentation requested above. If you have already resolved the violations listed above, please provide documentation supporting compliance.

Failure to comply with OAC rule 3745-17-07(A) and Chapter 3704.05(J)(2) of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, Painesville Municipal Electric Plant is requested to submit written correspondence describing the steps that will be taken by a date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact Lawrence Maline by phone at (330) 963-1298 or by email at Lawrence.Maline@epa.ohio.gov.

Sincerely,



Lawrence Maline
Environmental Specialist
Division of Air Pollution Control
Northeast District Office

LM:bo

ec: Paul Morton, Generation Supervisor, City of Painesville, Ohio Electric Plant
Ken Newton, Senior Engineer – Operations, City of Painesville, Ohio Electric Plant
John Paulian, DAPC, CO
James Kavalec, DAPC, CO
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